

Senate Study Bill 3032 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

A BILL FOR

1 An Act relating to the recording requirements for certain
2 residential real estate installment sales contracts and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 558.46, subsections 1, 2, and 7, Code
2 2009, are amended to read as follows:

3 1. Every real estate installment sales contract
4 transferring an interest in residential property shall be
5 recorded by the contract seller with the county recorder in the
6 county in which the real estate is situated not later than ~~one~~
7 ~~hundred eighty~~ sixty days from the date the contract was signed
8 by the contract seller and contract purchaser.

9 2. Failure to record a real estate contract required to
10 be recorded by this section by the contract seller within the
11 specified time limit is punishable by a fine not to exceed
12 one hundred dollars per day for each day of violation. The
13 county recorder shall record a real estate contract presented
14 for recording even though not presented within ~~one hundred~~
15 ~~eighty~~ sixty days of the signing of the contract. The county
16 recorder shall forward to the county attorney a copy of
17 each real estate contract recorded more than ~~one hundred~~
18 ~~eighty~~ sixty days from the date the contract was signed by the
19 contract seller and contract purchaser. The county attorney
20 shall initiate action in the district court to enforce the
21 provisions of this section. Fines collected pursuant to this
22 subsection shall be deposited in the general fund of the
23 county.

24 7. If a contract seller is subject to the requirements of
25 section 558.70, the contract must be recorded within
26 ~~forty-five~~ thirty days rather than ~~one hundred eighty~~ sixty
27 days and the recording requirement is only satisfied by
28 recording the real estate contract rather than a memorandum of
29 the contract.

30 Sec. 2. APPLICABILITY. This Act applies to real estate
31 installment contracts signed on or after the effective date of
32 this Act.

33 EXPLANATION

34 This bill amends Code section 558.46, which currently
35 requires real estate installment sales contracts to be recorded

1 by the contract seller with the county recorder not later than
2 180 days from the date the contract was signed. The bill
3 provides that such installment sales must be recorded within
4 60 days rather than 180 days.

5 Current Code section 558.46 also provides that if a contract
6 seller is subject to Code section 558.70, requiring a contract
7 disclosure statement for certain real estate installment sales,
8 the contract must be recorded with the county recorder within
9 45 days rather than 180 days. The bill provides that such
10 installment sales contracts must be recorded within 30 days
11 rather than 45 days.

12 The bill applies to real estate installment contracts signed
13 on or after the effective date of the bill.